IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.747 OF 2004.
WITH
FIRST APPEAL NO.749 OF 2004.

Union of India ...Appellant
(In both the Appeals)

Versus

M/s.R.S.Sanghavi ...Respondent
(In both the Appeals)

Ms S.V.Gajare, A.G.P for the Appellant.

Shri M.S.Sanghvi, Sr Counsel with Shri U.L.Shah i/by M/s. L.N.Shah & Co for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 10th December, 2007.

P.C.:

1. On 25th October, 2007 this Court passed an order directing that the appeal shall be listed for final hearing on 10th December, 2007 on the ground that the respondent is a senior citizen and is suffering from cancer.

2. On 24th November, 2005 the Government Pleader, High Court, Mumbai has filed a praecipe informing that in view of direction dated 18th October, 2004 issued by the Ministry of Law and Justice Department of Legal Affairs of the Central Government, the Government Pleader may be permitted to withdraw his appearance. A copy of the said praecipe has been forwarded by the

Government Pleader to the Secretary and Legal Adviser of Central Government. Alongwith the said praecipe an office copy of letter dated 24th November, 2005 sent by the Government Pleader to the Central Government, advocate has been enclosed. In the said letter it is set out that on 23rd November, 2005 this Court has granted four weeks time to file paper-book.

3. In view of the praecipe filed by the Government Pleader, the Government Pleader, High Court, Mumbai is permitted to withdraw his appearance. Though the Government Pleader had informed the Central Government advocate on 24th November, 2005 to appear in these appeals and to file paper-book, till today no one has entered the appearance on behalf of the appellant. Moreover, paper-book has not been filed by the appellant.

4. As paper-book is not filed till today and as none appears for the appellant today, the appeals are dismissed for non prosecution. If any bank guarantee is furnished by the respondent as per the interim order passed by this Court, the same shall be cancelled and returned to the respondent after expiry of period of six weeks from today.

JUDGE